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Plaintiff SAP SE and Defendants SAP
AMERICA, INC. and SAP LABS, LLC*
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TERADATA US, INC.,
Plaintiff,
and
TERADATA CORPORATION and
TERADATA OPERATIONS, INC.,
Plaintiffs/Counterclaim-Defendants,
v.
SAP SE,
Defendant/Counterclaim-Plaintiff,
and
SAP AMERICA, INC. and
SAP LABS, LLC,
Defendants.

Case No. 3:18-cv-03670-WHO

**STIPULATION TO PRETRIAL
SCHEDULE AND (PROPOSED)
ORDER**

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*Attorneys for Defendant/Counterclaim-
 Plaintiff SAP SE and Defendants SAP
 AMERICA, INC. and SAP LABS, LLC*

1 Pursuant to Local Rule 7-12, Plaintiffs and Counterclaim Defendants Teradata
2 Corporation, Teradata US, Inc., and Teradata Operations, Inc. (collectively, “Teradata”) and
3 Defendants and Counterclaim Plaintiffs SAP SE, SAP America, Inc., and SAP Labs, LLC
4 (collectively, “SAP”), through their undersigned counsel, hereby jointly request and stipulate as
5 follows:

6 WHEREAS, the Court established the following pretrial schedule: First Exchange on
7 December 18, 2025; Meet and Confer on January 9, 2026; Second Exchange on January 26,
8 2026; Meet and Confer regarding the Pretrial Conference Statement and Settlement on February
9 2, 2026; Parties’ filings (including motions *in limine*) on February 9, 2026; Oppositions to
10 motions *in limine* on February 17, 2026; and Pretrial Conference on March 2, 2026, at 2:00 p.m.
11 (Dkt. 657).

12 WHEREAS, the Court set jury selection for March 30, 2026 at 8:30 a.m. (Dkt. 688).

13 WHEREAS, fact discovery closed on February 26, 2021 and expert discovery closed on
14 August 13, 2021, except for one deposition held on August 20, 2021. (Dkt. 344, 393, 458).

15 WHEREAS, the parties agreed to exchange updated financial information relevant to their
16 respective damages claims and to supplementation of their damages expert reports to update their
17 damages claims. (Dkt. 655 at 3).

18 WHEREAS, the parties’ supplemental reports that address damages will be limited to the
19 same opinions, methodologies, models, analyses, and calculations as the original reports, applied
20 to updated financial information and to account for the passage of time.

21 WHEREAS, the parties agreed to exchange substitute expert reports for two expert
22 witnesses who are no longer available to testify at trial in this matter.

23 WHEREAS, the parties’ substitute expert reports will be limited to opinions that are the
24 same or substantially similar to those of the substituted experts and will not be contrary to or
25 inconsistent with the opinions of the substituted experts as outlined in relevant case law.

26 WHEREAS, the parties agree that any depositions of experts submitting reports under this
27 schedule shall not exceed three hours.
28

WHEREAS, the parties agree that depositions of experts serving supplemental reports shall be limited to exploring the updated analyses and updated findings set forth in the experts' respective supplemental reports.

WHEREAS, the parties filed *Daubert* motions on August 25, 2021, but stipulated that they could still file other non-duplicative *Daubert* motions "that do not address the same opinions and are not based on substantially the same arguments as any previously filed *Daubert* motion." (Dkt. 392).

WHEREAS, two *Daubert* motions, Teradata's motion to exclude certain opinions of SAP expert Dr. Tim Kraska (Dkts. 466, 495) and Teradata's motion to exclude certain opinions of SAP expert Gregory Leonard (Dkt. 480) remain pending, and the Court has indicated they will be decided along with the other pretrial motions (May 7, 2025 Hearing Tr. at 7:14-8:8).

IT IS HEREBY STIPULATED by Teradata and SAP, through their counsel, and subject to the Court's approval, propose the following case schedule, which accounts for the supplemental expert schedule and also includes minor variations and additions to dates and disclosures previously approved by the Court:

Events and Deadlines	Date
Parties serve supplemental opening reports (new) ¹	October 24, 2025
Parties serve substitute reports for unavailable expert witnesses (new)	November 4, 2025
Parties provide written notice of supplemental rebuttal reports (new)	November 7, 2025
Parties serve supplemental rebuttal reports (new)	November 25, 2025
Deadline to notice supplemental expert depositions (new)	November 26, 2025
Parties serve supplemental reply reports, if any (new)	December 11, 2025

¹ SAP served the supplemental opening report of Dr. Gregory Leonard on October 17, 2025.

Events and Deadlines	Date
Parties' First Exchange: ² <ul style="list-style-type: none"> Exhibit lists Preliminary witness lists 	December 18, 2025 (no change) (previously February 9, 2025 for witness lists)
Parties Second Exchange: <ul style="list-style-type: none"> Issues and key authority for motions <i>in limine</i> Deposition & discovery response designations 	January 5, 2026 (previously December 18, 2025)
Parties meet and confer on motions <i>in limine</i>	January 9, 2026 (no change)
Deadline to complete depositions of supplemental and substitute experts	January 9, 2026
Opening <i>Daubert</i> motions & supporting briefs	January 12, 2026
Parties' Third Exchange: <ul style="list-style-type: none"> Objections to exhibits Objections to deposition designations Deposition counter-designations Requested voir dire questions Jury instructions Forms of verdict 	January 26, 2026 (no change)
Oppositions to <i>Daubert</i> motions	January 26, 2026
Deadline to Meet and Confer Regarding Pretrial Conference Statement and Settlement	February 2, 2026 (no change)
Replies in support of <i>Daubert</i> motions	February 2, 2026
Parties' Fourth Exchange: <ul style="list-style-type: none"> Responses to deposition designation objections (new) Counter-counter deposition designations (new) 	February 9, 2026

² The Parties will meet and confer no later than November 14, 2025 regarding format and scope of exchanges (new).

Events and Deadlines	Date
Parties file: <ul style="list-style-type: none"> • Motions <i>in limine</i> • Joint Pretrial Conference Statement • Joint set of jury instructions (including preliminary statements/instructions) • Voir dire and verdict forms • Juror questionnaire (new) 	February 9, 2026
Oppositions to motions <i>in limine</i>	February 17, 2026
Parties file: <ul style="list-style-type: none"> • Full set of deposition designations with objections (new) • Stipulation of exhibits' admissibility • Objections to exhibits 	February 19, 2026 (previously February 9, 2026 for exhibit deadlines)
Pretrial conference	March 2, 2026 at 2:00 p.m. (no change)

Dated: November 6, 2025

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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: _____
THE HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE

ECF ATTESTATION

I, Eric M. Acker, am the ECF User whose ID and Password are being used to file this document. I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: November 6, 2025

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